

MEDINA CITY COUNCIL
REGULAR MEETING MINUTES

July 10, 2006
7:00 pm

Medina City Hall
501 Evergreen Point Road

CALL TO ORDER

Miles Adam called the July 10, 2006, Medina City Council Regular Meeting to order at 7:05 pm.

ROLL CALL

Present: Miles Adam, Lucius Biglow, Drew Blazey, James Lawrence, Katie Phelps, and Robert Rudolph

Absent: Pete Vall-Spinosa

City Staff Present: Douglas Schulze, City Manager, Wayne Tanaka, City Attorney, Ogden Murphy Wallace; Jeff Chen, Chief of Police; Joseph Gellings, Director of Development Services; Joe Willis, Director of Public Works; and Rachel Baker, City Clerk

MEETING AGENDA

Lawrence proposed he would like to introduce a CIP resolution as new business. Schulze conveyed an executive session would not be held this evening. Mayor polled audience to determine level of interest for agenda items and determined Item J-2, Northeast Eighth Street Sidewalk Project, would be discussed prior to Item J-1, Medina Beach Park Project Contract Award. The revised agenda was approved by council consent at 7:08 pm.

ANNOUNCEMENTS

Mayor (7:08 pm)

Mayor said Representative Dave Reichert met with mayors from the Eighth Congressional District and conveyed that Representative Reichert expressed his concern and support to understand the value and importance of the SR-520 corridor to eastside communities. Adam said the mayors expressed their concerns to Reichert regarding the telecommunication bill, which recently passed in the Senate.

Adam remarked that he recently represented Medina at a King County mayors meeting and urged Medina councilmembers to take the time to visit the new Bellevue City Hall and council chambers.

Staff (7:11 pm)

Schulze announced Rachel Baker was appointed to City Clerk effective July 1st and reminded those in attendance that a recycling collection day would be held Saturday, July 15th, from 9:00 am to 3:00 pm in Bellevue, one-quarter mile east of the Eastgate Park and Ride. Schulze stated the state auditor completed the 2005 financial audit and the exit conference will be held Wednesday, July 12th, at 2:00 pm at City Hall.

CONSENT AGENDA

The June 12, 2006, regular meeting minutes were pulled in order to verify public comment and the park board appointment was removed and placed under Other Business as Item J6.

MOTION AND SECOND TO APPROVE JUNE 2006 CHECKS/FINANCE OFFICER'S REPORT, MOTION PASSED 6-0.
MOTION AND SECOND TO APPROVE MEDINA ELEMENTARY SCHOOL SIGN NOTICE OF DECISION, MOTION PASSED 5-1 (PHELPS OPPOSED), 7:25 PM.

AUDIENCE PARTICIPATION

Mayor opened the floor to audience participation for non-agenda items.

Jane Hague, Vice Chair from the Sixth District of the King County Council, expressed her understanding for Medina's interests regarding the SR-520 corridor, conveyed her positions on related transportation boards and expressed that she looks forward to working with Medina on transportation issues. She stated that as part of her policy responsibilities she anticipates working with Medina on utility and natural resources issues and regional parks, 7:26 pm.

Heija Nunn asked if draft council minutes could be posted on the city website prior to council meetings in order to allow an opportunity for the public to review council actions and accurately respond before scheduled council meetings. Mrs. Nunn also requested the council consider televising council meetings on a public access station. She suggested that homeowners involved with smaller projects be represented in the focus groups and inquired about appointment process for park board and planning commission. Resident thanked the council for Medina Park playground improvement, 7:29 pm

Mayor closed audience participation.

REPORTS

Police Department (7:32 pm)

Chief Chen answered council inquires regarding Medina's communications vehicle and parking at City Hall during the summer season.

Development Services (7:35 pm)

Gellings added comment regarding speculative home building information and trend of sign code interpretation, which was provided in the packet.

Public Works Department (7:39 pm)

Willis summarized status of playground improvement.

Planning Commission (7:39 pm)

Planning Commission Chair Mark Nelson answered inquiry regarding suggestion to install a temporary no parking sign near mailboxes as referenced in the June 27, 2006 planning commission minutes.

City Manager (7:40 pm)

Schulze clarified information regarding billing for costs for special event ordinance included in packet and said he would like to bring ordinance back to council for consideration of language clarification. Schulze answered council inquiries regarding meeting videotaping and council expressed interest in further research regarding recording options.

PUBLIC HEARING

St. Thomas Special Use Permit and Variance (7:47 pm)

Mayor opened public hearing.

Lawrence declared he had two daughters that went to St. Thomas School and one is now a principal at a private school, which St. Thomas feeds to and that will lease two buildings to St. Thomas during the construction period closure.

Blazey declared his younger son attended preschool at St. Thomas.

Biglow declared that as part of their education, his four children attended St. Thomas School. He also said that he was at one time president of the Board of Trustees and also was the lawyer for St. Thomas at one point. Biglow stated that in the past he was affiliated with the church as part of the Vestry and Chancery; however he would be fair and impartial in considering the matter.

No other councilmembers acknowledged disclosures that he/she would be unable to represent an appearance of fairness and no member of the public or applicant challenged councilmembers' decisions to the appearance of fairness.

Mayor provided explanation for the hearing process and those choosing to speak during the hearing were administered an oath by the city attorney.

Gellings summarized essential facts of the case pertaining to the special use permit and two variance requests. He recommended approval of the special use permit subject to three conditions as listed in the staff report, and recommended denial of both variances noting that the seven variance criteria were not met in the proposal.

Gellings answered council inquiries.

*Jeff Lee, Church Rector and School Chaplin
St. Thomas Church and School, 8300 Northeast 12th Street*

Mr. Lee testified that the Vestry of St. Thomas Church has voiced its complete support of the application and that the improvement would be a significant enhancement to the property, relation and connection of buildings, and interface in the community. He stated that the joint use agreement that governs the relationship between the church and school was recently renewed and a strong partnership is envisioned. Mr. Lee introduced Phil Schlaepfer, President of the Board of St. Thomas School and appointed member of the Vestry of St. Thomas Church.

Phil Schlaepfer, President, Board of Trustees, St. Thomas School

Mr. Schlaepfer pointed out that the school is aware of fact that it is located in a unique residential community and that Medina attracts extraordinary and talented people and families and is one of the most desirable communities in the country. He continued to say that as a result, St. Thomas developed a strategic and comprehensive long range plan with a refocused vision and direction for school with an objective to develop a world class educational program for early learning elementary students and their families and a vision to incorporate into the classroom and school design the latest in leading edge thinking regarding education of young children. He stated that the Board of Trustees has been strengthened as a result of this and hired an architectural firm that enforces the vision and conducted an international search for a new Head of Schools and hired Dr. Kirk Wheeler.

Dr. Kirk Wheeler, Head of School, St. Thomas School

Dr. Wheeler summarized statistics, which St. Thomas School has served in the community and its future goals and desires. He conveyed that the school has been unable to meet the demand for educational programs due to a lack of space, so desires to add additional sections to accommodate more families, since current facilities are no longer sufficient. He stated that the vision would be to create buildings and a surrounding campus that is healthy, and environmentally responsive and hopes to enhance the City of Medina by providing an outstanding educational program and facilities.

Greg Hepp and Lorne McConachie, Bassetti Architects
71 Columbia Street, Suite 500, Seattle 98104

Lorne McConachie summarized how permit submittal met the twelve criteria for special use and agreed with the staff report for permit approval. He stated disagreement with

director's decision denying variance requests. Mr. McConachie said that the goal for St. Thomas was to design an outstanding early childhood elementary learning community that would enhance Medina by fitting sensitively within the existing context of the elegant residential community. He conveyed that he had met with and communicated regularly with the planning director and city manager and listened carefully to feedback to ensure the design both compliments and enhances the residential community character. Mr. McConachie continued to say St. Thomas had nothing to gain from requested variances, but granting variances would keep within the goals of the Medina Comprehensive Plan.

Mr. McConachie requested that the project be allowed to move forward, despite council's decision, as it would be important to maintain the project schedule. He addressed the variance criteria associated with the project in an effort to argue against director's decision and made reference to a law pertaining to the religious land use and institutional persons act which should be considered when deciding variance.

Mr. McConachie addressed the reasons behind variance requests and how approval would keep with Medina's Comprehensive Plan's land use goal to maintain, preserve, and enhance the functional and historic contribution of Medina's public facilities and amenities. He also briefly described project design and site placement. He anticipated construction would begin next June immediately after children are released from school for the summer and targeted a one-year construction period.

Greg Hepp described landscape buffer, proposed tree planting, pedestrian/vehicular circulation and parking issues. He spoke of the current patterns and proposed patterns, both as projected with and without setback variance approval.

Council addressed questions to the applicant and its representatives pertaining to variances regarding height, roof pitch and setbacks and also queried about student enrollment, traffic flow, school start and dismissal times, bus transportation, and construction timeline. Council discussed possible precedent setting decision if variances were approved.

Terry Gibson, President, Gibson Traffic Consultants
1712 Pacific Avenue, Suite 100, Everett, WA 8:41 pm

Mr. Gibson answered council inquiries regarding traffic report. Mr. Gibson said the architect and school hired The Transpo Group, which performed an independent review and confirmed his report.

Jennifer Lowe, Senior Transportation Planner, The Transpo Group
11730 – 118th Avenue Northeast, Suite 600, Kirkland, 8:48 pm

Ms. Lowe summarized content of traffic study and methodology used to determine levels of service between Medina Elementary School and St. Thomas School.

Mayor invited members of the audience to provide comment at 8:50 pm.

Mark Nelson claimed that as a citizen, architect, and a member of St. Thomas Church he was invited to participate in early meetings for master planning of entire campus and provided input and cautionary notes. He reported that he reviewed the plans in the packet and determined that they met and addressed all red flags that he thought could arise. He said that as an entry point into Medina it would be important to maintain the character on the St. Thomas campus. Mr. Nelson added that the variance requested would do a better job to preserve character and meet the comprehensive plan than strict code language and urged the council to come to a decision in order to allow the project to go forward.

Betsy Johnson stated her concern that a year and a half ago rules and regulations were established for how large schools in the city could be and at that time the St. Thomas site was briefly discussed. She said the Bellevue School District was asked to meet those criteria and did and that St. Thomas should also meet the criteria set forth for schools.

Gellings summarized that two years ago, just prior to Medina Elementary School permitting, there was as an effort to rewrite standards and permit evaluation criteria for all schools in general.

Shal Foster addressed to the council that she has four children and is currently in the fifth of fifteen years at St. Thomas School and queried if Medina Elementary School requested or received any variances.

Mayor invited applicant an opportunity to provide rebuttal testimony.

Amy Kosterlitz, Land Use Attorney, Buchan Gordon
2025 First Avenue, Suite 500, Seattle WA 98121

Ms. Kosterlitz responded to the comparison of setbacks between St. Thomas School and Medina Elementary School, stating the comparison would not be apt due to St. Thomas's zoning and surrounding property uses. She defined the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) and stated that in respect to the setback variance, the school would be discriminated against when considered against current setback use of the neighboring golf course. She commented that school representatives asked her to emphasize that a two-month delay would amount to a one-year delay in the construction schedule if a final vote were not determined tonight.

Mayor closed testimony and council proceeded to deliberations at 9:12 pm.

Council discussed issue of pedestrian and vehicle circulation plan and possible precedent setting for future commercial expansion.

MOTION RUDOLPH AND SECOND ADAM TO APPROVE APPLICATION FOR SPECIAL USE PERMIT FOR ST. THOMAS SCHOOL AND DIRECT WRITTEN FINDINGS TO COME BACK TO COUNCIL FOR FINAL VOTE AT NEXT SCHEDULED COUNCIL MEETING, MOTION CARRIED 6-0, 9:22 PM.

Discussion followed regarding setback variance request and whether conditions met seven criteria. Gellings reviewed variance criteria. Tanaka answered inquiries regarding federal law RLUIPA as referenced by applicant and indicated it could play a factor in decision and specifically of concern would be the commercial use of the golf course and 30-foot setback on adjacent property, which could be argued as discriminatory against the church.

MOTION PHELPS AND SECOND BLAZEY TO ACCEPT SETBACK VARIANCE REQUEST AND DIRECT STAFF TO PRODUCE WRITTEN FINDINGS FOR FINAL VOTE AT NEXT SCHEDULED MEETING, MOTION PASSED 4-2 (RUDOLPH AND LAWRENCE OPPOSED), 9:45 PM.

Gellings said height variance findings parallel setback variance findings and discussion followed. Tanaka expressed that the RLUIPA implications would be less for height.

MOTION PHELPS AND SECOND LAWRENCE TO DENY HEIGHT VARIANCE AND DIRECT STAFF TO PRODUCE WRITTEN FINDINGS FOR FINAL VOTE AT NEXT SCHEDULED MEETING, MOTION PASSED 4-2 (BIGLOW AND BLAZEY OPPOSED), 9:51 PM.

Mayor closed the public hearing and called for a break at 9:52 pm. The meeting was called back to order at 9:59 pm.

OTHER BUSINESS

Northeast Eighth Street Sidewalk Project (9:59 pm)

Willis described Medina Elementary School's circulation plan and provided site copies to councilmembers. Willis said he sent a letter to residents affected by council's June decision regarding the pathway.

Mayor opened the floor to audience participation, 10:01 pm.

Heija Nunn read from a written statement prepared by resident Molly Lanzinger, as she was unable to attend the entire meeting. Ms. Lanzinger expressed there should not be a discussion on the issue since a professional company was hired to perform a traffic study and make a recommendation on sidewalk placement based on citizen safety. Ms. Lanzinger urged the council to do what would be safest.

Betsy Johnson spoke about traffic pattern formation and idea for a safe pedestrian corridor off of 80th Street that tees onto the school property and explained where

children walk from and to the crosswalk zone. Ms. Johnson stated children would be placed into the path of the bus zone if pathway would be moved from original design.

PHELPS MOVED AND LAWRENCE SECOND TO EXTEND MEETING ONE HOUR, MOTION PASSED 6-0, 10:05 PM.

Pete Lukas spoke of a petition that was unanimously agreed upon and signed by nine homeowners from the south side of Northeast Eighth Street and explained their solution would be a safe approach for a pathway on the south side which would not allow street parking, and would include a curb and five-foot asphalt walking surface. Mr. Lukas conveyed the solution was produced during a meeting, which was attended by neighbors and councilmembers Adam and Lawrence. Resident provided background regarding project, including letters mailed to residents by Joe Willis.

Gerry Zyfers said he attended early public meetings regarding Medina Elementary School and learned a gravel pathway already existed. He indicated he would second Lukas's petition, as it would be a good solution for a walkway and bicycle access; it would be minimally intrusive, inexpensive and a good solution.

Heija Nunn said there was a lot to learn during the early Medina Elementary School meetings and explained why the Gibson Traffic Report recommended the sidewalk on the north side. She added that the traffic study was designed for a safe passage and included a guarded crosswalk for students approaching from north, west and east. She said it would make visual sense to connect the current Northeast Eighth sidewalk with a sidewalk at the Medina store and urged the council to re-evaluate why the Bellevue School District was asked to engage expensive traffic consultants and why citizens were encouraged to attend public meetings to discuss issues and then didn't invite all of the public to the follow up.

Charles Pember referred to Willis's letter dated June 21st. He conveyed the proposal would be a reasonable solution and explained that the walkway would be measured from edge of white line, not the pavement edge and that it would not destroy existing landscaping on Northeast Eighth. Resident stated he has been in his house for 38 years, and the path was adequate when his children walked to school at Medina Elementary.

Mayor closed audience participation, 10:20 pm.

Willis requested validation from the council to design a five-foot gravel-type surface pathway along the south side of Northeast Eighth Street and discussion followed.

MOTION RUDOLPH AND SECOND PHELPS TO ASK GIBSON TRAFFIC CONSULTANTS TO EVALUATE THE RELATIVE SAFETY ASPECTS OF THE SIDEWALK ON THE SOUTH SIDE OF NORTHEAST EIGHTH STREET COMPARED TO PREVIOUSLY APPROVED SIDEWALK ON THE NORTH SIDE OF NORTHEAST EIGHTH STREET BEFORE SIDEWALK CONSTRUCTION IS PLACED OUT TO BID, MOTION FAILED 2-4 (PHELPS AND RUDOLPH IN FAVOR), 10:37 PM.

Willis defined proposal and discussion followed.

MOTION PHELPS AND SECOND LAWRENCE TO DIRECT JOE WILLIS TO COME BACK TO COUNCIL WITH A SPECIFIC PROPOSAL DURING AUGUST 14TH MEETING, TAKING INTO ACCOUNT ALL INFORMATION SHARED REGARDING ISSUE, MOTION PASSED 6-0, 11:05 PM.

MOTION LAWRENCE AND SECOND BIGLOW TO CONTINUE MEETING THIRTY MINUTES, MOTION PASSED 5-1 (ADAM OPPOSED), 11:06 PM.

Medina Beach Project (11:06 pm)

Willis conveyed two bids were received and explained proposal costs submitted by McClure and Sons and Caicos Corporation. Discussion followed.

Mayor opened floor to audience participation, 11:12 pm.

Betsy Johnson read from a written statement prepared by resident Molly Lanzinger. Ms. Lanzinger expressed that an opportunity would be lost if the council removed both docks and replaced only one. She wrote that even if the dock were left gated off an option would still exist for use at some time. She expressed that waterfront neighbors have access already, however, the majority of constituents don't live on the water and most likely don't have access to a dock. She stated that parks are for the general public and it is the elected's responsibility, as public servants, to serve the majority.

Heija Nunn agreed with Ms. Lanzinger's comments and added that the comprehensive plan does address the idea that the city would like to pursue additional waterfront access points for all citizens. She said many citizens would be disappointed if both docks were removed and not replaced, despite the turnout at tonight's meeting.

Mayor closed floor to public comment and council discussion followed.

MOTION PHELPS AND SECOND RUDOLPH TO AWARD CONTRACT TO LOW BIDDER, CAICOS CORPORATION, AND TO ADOPT SCHEDULES A, B, C AND D, MOTION FAILED 3-3 (BLAZEY, BIGLOW AND LAWRENCE OPPOSED), 11:39 PM.

MOTION BLAZEY AND SECOND BIGLOW TO AWARD CONTRACT TO LOW BIDDER, CAICOS CORPORATION, AND TO ADOPT SCHEDULES A, B, AND D, WITH AN OPTION TO INCLUDE A CHANGE ORDER FOR BOAT ACCESS MODIFICATION TO VIEWING DOCK, MOTION CARRIED 5-1 (RUDOLPH OPPOSED) 11:44 PM.

MOTION BLAZEY AND SECOND LAWRENCE TO EXTEND MEETING 20 MINUTES, MOTION PASSED, 11:46 PM.

ARCH Project Funding Recommendation (11:46 pm)

MOTION BIGLOW AND SECOND LAWRENCE TO AUTHORIZE CONTRIBUTION OF \$10,000 FOR 2006 SPRING FUNDING ROUND, MOTION PASSED 6-0, 11:46 PM.

2007 Budget Goals – Target (11:47 pm)

Council tabled discussion until July 24th study session.

Park Board Appointment (11:47 pm)

Adam conveyed his reasons for selecting Masayo Arakawa and explained that all candidates from the current applicant pool had been interviewed. He said the vacancy was not advertised since applications were already on file.

MOTION BLAZEY AND SECOND BIGLOW TO ACCEPT NOMINATION OF APPOINTMENT OF MASAYO ARAKAWA FOR REMAINING TERM TO POSITION NUMBER ONE ON THE PARK BOARD, MOTION CARRIED 5-0-1 (PHELPS ABSTAINED), 11:50 PM.

Council Agenda Calendar placement of CIP/TIP Presentation (11:51 pm)

MOTION LAWRENCE AND SECOND ADAM THAT CITY PROVIDE CIP/TIP DURING MAY CITY COUNCIL MEETING TO ALLOW SUFFICIENT TIME FOR COUNCIL REVIEW, MOTION PASSED 6-0, 11:52 PM.

Council Agenda Calendar

Due to limited time, the council agenda calendar was not discussed.

ADJOURNMENT

MOTION BLAZEY AND SECOND LAWRENCE TO ADJOURN THE JULY 10, 2006 CITY COUNCIL MEETING, MOTION PASSED 11:57 PM, 6-0.

The July 10, 2006, Regular Meeting of the Medina City Council adjourned at 11:57 pm.

The City Council Study Session will be held Monday, July 24, 2006. An Executive Session will begin at 6:00 pm to discuss labor negotiations, per RCW 42.30.110 (1) (g). The public portion of the meeting will begin at 7:00 pm.

Miles R. Adam, Mayor

Attest: _____
Rachel Baker, City Clerk